


Notice of Allowability	Application No.	Applicant(s)	
	09/919,148	RHODES, N. LEE	
	Examiner	Art Unit	
	Mary Cheung	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received on March 12, 2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 31 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Steven Dicke on July 22, 2004.

3. The application has been amended as follows:

In line 4 of claim 1, the word --electronically-- has been inserted before the word "determining" to avoid a §101 rejection;

In line 3 of claim 9, the word --electronically-- has been inserted before the word "collecting" to avoid a §101 rejection;

In line 4 of claim 9, the word --electronically-- has been inserted before the word "generating" to avoid a §101 rejection;

In line 6 of claim 9, the word --electronically-- has been inserted before the word "determining" to avoid a §101 rejection;

In line 4 of claim 22, the word --electronically-- has been inserted before the word "determining" to avoid a §101 rejection;

In line 7 of claim 22, the word --electronically-- has been inserted before the word "generating" to avoid a §101 rejection;

In line 9 of claim 22, the word --electronically-- has been inserted before the word "storing" to avoid a §101 rejection;

In line 10 of claim 22, the word --electronically-- has been inserted before the word "obtaining" to avoid a §101 rejection.

Allowable Subject Matter

4. Claims 1-31 are pending. Claims 1, 5-6, 8-9, 14, 18-22 and 27-30 have been amended. All the pending claims are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Bowman (U. S. patent 5,627,886) teaches analyzing each of the received event records to determine its type based on user-defined parameters, identifies predetermined fields in the analyzed event record to be used as keys, measures network usage associated with the key, summarizes usage statistics against at least of the keys, compares statistic totals to predefined thresholds, and responds with an alarm when the thresholds are met or exceeds.

In regarding to independent claims 1, 9, 22, 23 and 31, Bowman taken either individually or in combination with other prior art of record fails to teach or suggest defining a threshold value, and determining an excess usage component by summing all subscriber usage greater than the threshold value, and subtract the product of the sum of the number of subscribers greater than the threshold value and the threshold value.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

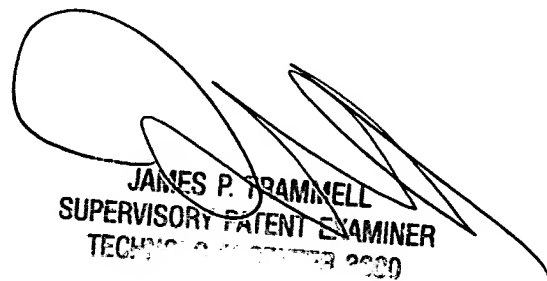
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
July 23, 2004


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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